

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

December 31, 2003

**SUBJECT:**

Variance Application APP2003-00816

Applicant:               Lopsang Tenpa  
                              605 Grandin Avenue  
                              Rockville, Maryland 20850

Property Location:     605 Grandin Avenue

Board of Appeals Public Hearing Date:     January 10, 2003

**REQUEST:**

The applicant seeks a six-foot variance from the front setback requirement for a covered porch.

**STAFF RECOMMENDATION:**

Approval, subject to the following:

1. That the porch be constructed in substantial conformance with the submitted plans and with materials compatible with the existing home; and
2. The applicant must submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements. A building permit will not be issued until the sign has been returned.

**ANALYSIS:**

**Project Proposal**

The applicant proposes to construct a covered porch onto the front of the house. The porch is proposed to extend six feet out from the house for a span of seventeen feet.

## **Property Description and Background**

The subject property is located in the Rockville Park subdivision, where it is zoned R-60, One-Family Detached Residential. It is basically a square lot with a frontage of slightly over eighty feet and a depth of slightly less than seventy-five feet. The lot contains 6,005 square feet of land. The house is located on an in-fill property that was developed around 1990.

## **Requested Variance**

The property is located within the R-60 Zone, where the front setback requirement is thirty-five feet. At its closest point, the existing house is located only six feet from property line shared with Charles Street. As a result, of variance of nineteen feet is required from the front yard setback requirement.

## **Applicable Sections of the Zoning Ordinance**

Section 25-1 defines a variance as a modification only of the density, bulk or area requirements, where such modification will not be contrary to the public interest and, owing to conditions unique to the property and not the result of any action taken by the applicant, of which literal enforcement of the ordinance would result in practical difficulty.

## **Staff Analysis and Recommendation**

The following are the findings that must be made in order for the Board to approve a variance, as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** The property is located within the Rockville Park subdivision, where encroachments into the front yard setback are common. A couple of houses on same block of Grandin Avenue have front yard encroachments and an old garage is located very close to the front property line on the adjacent property. As such, the variance as requested would not be contrary to the public interest.
2. **The variance is requested owing to conditions peculiar to the property and not the result of any action taken by the applicant.** The property is an in-fill development that took place around 1990. It is apparent that, due to the shape of the lot, the house was designed to maximize the building envelope on the property. The house is sixty feet wide on the eighty-foot wide lot. Although the house is only twenty-six feet deep, more than two thirds of the depth the lot is taken up with the front setback and the depth of the house. As a result, there was no depth left on the lot to shift the house back and place a larger covering over the front door. Therefore, the variance is requested due conditions peculiar to the property and not the result of any action taken by the applicant.

3. **A literal enforcement of the Ordinance will result in practical difficulty.** The house looks unfinished without a more substantial front porch. The front door is located three steps above the grade of the front yard. In order to cover the steps and protect the front door the porch needs to be wider and deeper than the three foot by ten foot porch permitted as an encroachment into the front yard setback. As such, a literal enforcement of the Ordinance would result in practical difficulty.

Based on the above, staff recommends approval of Variance Application APP2003-00816, subject to the conditions noted.

#### **NOTIFICATION**

Notices about the public hearing were sent to 339 residences, including those that are legally required.